

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
: 16 Cr. 840 (LGS)
:
-against- :
:
SHAHBAZ KHAN, :
Defendant. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on May 31, 2018, Defendant pleaded guilty to one count of Conspiracy to Import One Kilogram and more of Heroin and one count of Attempting to Distribute One Kilogram and more of Heroin. On November 5, 2019, Defendant was sentenced to a custodial term of 180 months followed by a five-year term of supervised release;

WHEREAS, on January 23, 2024, Defendant filed a motion for a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines, which went into effect on November 1, 2023, and applies retroactively;

WHEREAS, on February 9, 2024, the Probation Department issued a Supplemental Presentence Investigation Report (“Supplemental PSR”), which concludes that Defendant appears to be ineligible for an adjustment of his Guidelines range based on Amendment 821;

WHEREAS, Defendant is ineligible for a “status point reduction” under the changes to U.S.S.G. § 4A1.1 because he did not receive an enhancement for committing these offenses while under a criminal justice sentence;

WHEREAS, Defendant does not meet the criteria to qualify for a “zero-point offender offense level reduction” pursuant to U.S.S.G. § 4C1.1 because Defendant received an adjustment

under § 3B1.1 (Aggravating Role), which disqualifies him from the reduction under U.S.S.G. § 4C1.1(a)(10);

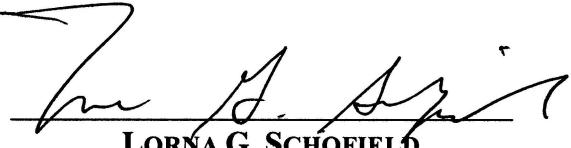
WHEREAS, the Court has considered the record in this case and agrees with the Supplemental PSR that Defendant is ineligible for an adjustment of his Guidelines range based on Amendment 821. It is hereby

ORDERED that Defendant's motion for a reduction of sentence is **DENIED**.

The Clerk of the Court is respectfully directed to terminate the motion at Dkt. No. 93 and to mail a copy of this Order to Defendant at the following address.

Shabaz Khan (Reg. No. 78363-054)
FCI Danbury
Federal Correctional Institution
Route 37
Danbury, CT 06811

Dated: May 30, 2024
New York, New York


LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE